

**REMARKS**

Claims 1-18, 20-37 and 39-44 are in the application.

**§ 103 Rejections**

In the Office Action the Examiner notes that claims 1-13, 20-24-32 and 39-33 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent 6,637,029 to Maissel et al., hereinafter "Maissel," in view of PCT Publication WO 01/22731A1 filed by Barrett et al., hereinafter "Barrett." The Applicants assume that the Examiner meant to say that claims 1-13, 20-32 and 39-44 were being rejected under 35 U.S.C. § 103 as being unpatentable over Maissel in view of Barrett.

In addition, in the Office Action claims 14-18 and 33-37 were rejected under 35 U.S.C. § 103 as being unpatentable over Maissel in view of Barrett and in further view of U.S. Patent 6,718,855 to Swix et al., hereinafter "Swix."

**Brief Description of the Cited Art**

Maissel describes a technique for customizing an electronic program guide for use in a television system. According to the technique, a receiving unit receives program schedule information from a television network which is forwarded to an intelligent agent contained within the receiving unit. The intelligent agent receives television viewing information representing the current television viewing behavior of one or more individual viewers. This viewing information may include an indication of the channel currently being watched by a viewer and, optionally, viewer identification information which identifies the viewer. See Maissel, column 11, line 48 to column 12, line 15. The intelligent agent combines the viewing information with program schedule information to extract various program characteristics. These program characteristics are, in turn, stored in the viewer's preference profile. See Maissel, column 12, lines 16-34. The intelligent agent uses the viewer's preference profile and program schedule information received from the receiving unit to customize a program guide which is displayed for the viewer. See Maissel, column 13, lines 34 to line 41.

Barrett discloses a technique for guessing the identity of a viewer at a Remote Viewer Module. According to the technique, Viewer Profiles of viewers which conduct television

viewing sessions using the Remote Viewer Module are associated with the Remote Viewer Module. Each Viewer Profile contains information about a particular viewer including the viewer's name, personal identification data, birth date, income and employment information and the like. See Barrett, page 7, claim 11. Actions taken by the viewer at a particular Remote Viewer Module are monitored during a viewing session. The monitored actions are analyzed along with the Viewer Profiles associated with the Remote Viewer Module to guess the identity of the viewer that is conducting the television viewing session. See Barrett, pages 4-5, step "h."

Swix describes a system and method for targeting advertisements to particular subscribers in a network media and delivery system. See Swix, column 3, lines 27-29. According to Swix, viewing events of subscribers are tracked. These viewing events may include menu choices or changes in programming made by the subscribers. The tracked events are analyzed to profile the subscribers and assign the subscribers to certain demographic groups. The demographic group of a particular subscriber is then used to target advertisements to that particular subscriber. See Swix, Figure 2.

#### Brief Description of the Present Invention

Briefly, the present invention relates to a technique for generating and using viewership profiles to facilitate distributing promotions based on the profiles of a network device. According to the technique, viewership activity of the network device is collected. Viewership activity is correlated with program schedules to generate a viewership profile. The viewership profile is forwarded to the network device along with long term viewership activity of the network device. Viewership activity of the network device is collected and the short term viewership activity data along with the long term viewership activity data is correlated in order to determine a type of individual presently interacting with the network device.

#### Differences Between the Present Invention and the Cited Art

Representative claim 26 recites:

26. A method for generating and using viewership profiles to facilitate distributing promotions based on the profiles to at least one network device, comprising the steps of:

- collecting viewership activity data for a network device;
- correlating the viewership activity data with program schedules;

generating a viewership profile for the network device based on the correlation;  
forwarding the viewership profile to the network device, the viewership profile including long-term viewership activity data of the network device;  
collecting short-term viewership activity data of the network device; and  
***correlating the collected short-term viewership activity data with the long-term viewership activity data of the viewership profile in order to determine a type of individual presently interacting with the network device.***

The Applicants respectfully submit that Maissel, Barrett and Swix taken either individually or in combination do not teach or suggest the Applicants claimed “***correlating the collected short-term viewership activity data with the long-term viewership activity data of the viewership profile in order to determine a type of individual presently interacting with the network device.***”

The Examiner notes in the Office Action that Maissel does not teach this element. The Applicants agree.

Barrett describes combining viewer profiles associated with a Remote Viewer Module with short-term actions taken by a particular viewer during a television viewing session in an attempt to identify the viewer that is conducting the television viewing session. Barrett falls short of teaching or suggesting that the viewer profiles contain long-term viewership activity data or that long-term viewership activity is used to determine the identity of a current user.

As for Swix, nowhere does Swix suggest or teach collecting short-term viewership activity data and correlating it to long-term viewership activity data of a viewership profile in order to determine a type of individual presently interacting with a network device. At best, Swix describes collecting subscriber viewing information and using this viewer information to target advertisements to subscribers.

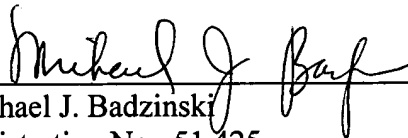
Because of the absence of “***correlating the collected short-term viewership activity data with the long-term viewership activity data of the viewership profile in order to determine a type of individual presently interacting with the network device***” in Maissel, Barrett and Swix, the Applicants respectfully submit that Maissel, Barrett and Swix do not render the Applicants’ claims 1-18, 20-37 and 39-44 unpatentable under 35 U.S.C. § 103, and therefore respectfully request that the above rejections of these claims be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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